

REMARKS/ARGUMENTS

Reconsideration of the application is requested. The application is in a condition to be passed for allowance because of the following reasons.

Claim 11 was previously amended and allowed. Claim 13 has been re-written as an independent claim to meet the Examiner's requirement for allowance.

Answering paragraph 2, claims 5-8, 10, 20, 24, 25, 27 and 28 were rejected under 35 USC 102(b) as being anticipated by Taylor (US Patent 4,160,557). Taylor discloses a cart for carrying open top refuse bags (see Abstract, lines 1-2, col. 3, lines 48-56). The cart includes four clamps pivotally mounted on a tubular frame for gripping the edges of an open refuse bag. The pivotally mounted clamps are neither intended nor capable of supporting the weight of even a partially filled refuse bag (col. 1, lines 64-68).

Claims 5-8, 10, 20, 24, 25, 27 and 28 are directed to a cart for carrying closed bags or sacks. They are patentably distinguishable from Taylor by the positive limitations of a pair of elongated jaws for gripping and supporting a closed upper portion of said bag or sack and a handle attached to at least one of said jaws.

Answering paragraph 3, claims 5-7, 10, 20, 24, 25, 27 and 28 were rejected under 35 USC 102(b) as being anticipated by Harmon et al. (US Patent 524,041). Harmon discloses an open bag holder for clamping upper edges of an open bag between a pair of yokes (see column 2, lines 44-56). There are no provisions for clamping an upper portion of a bag or sack or for transporting a bag or sack. Claims 5-7, 10, 20, 24, 25, 27 and 28 are distinguishable under 35 USC 102(b) for the same reasons as paragraph 2.

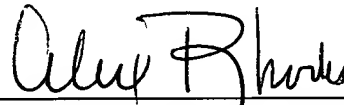
Answering paragraph 4, claims 9, 12 and 14 were rejected under 35 USC 103(a)

as being unpatentable over Taylor ('557) in view of Hull (US Patent 3,400,942). Hull discloses a luggage carrier with a collapsible lower frame assembly. Claims 9, 12 and 14 are directed to a luggage carrier having jaws with a plurality of outward extending tabs on metal strips for forming a gripping surface to retain and support a closed bag or sack.

Answering paragraph 5, claims 21-23 and 26 were rejected under 35 USC 103(a) as being unpatentable over Taylor ('557) in view of Cotey et al. (US Patent 5,009,657). Cotey is directed to the non-analogous art of umbilical cord cutting and clamping devices. Cotey would not have suggested the combination advanced by the Examiner which presumably involves incorporating the serrated jaws of Cotey into the carrier of Taylor. Nor is it understood how Cotey can be combined with Taylor.

In view of the above, it is respectfully requested that this case be passed to allowance.

Respectfully submitted,



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